



## Administrative Policies and Procedures: 14.22

<b>Subject:</b>	<b>Case File Review - Return to Home Custody</b>
<b>Authority:</b>	TCA 37-1-102(21); 37-1-401 et seq; 37-1-601 et seq; 37-1-607; 37-5-105; 37-5-106; 37-5-107; Child Abuse Prevention and Treatment Act (CAPTA)
<b>Standards:</b>	None
<b>Application:</b>	All Department of Children's Services Child Protective Services Case Workers and Family Service Workers

### Policy Statement:

The Department of Children's Services shall review cases of severely abused victims before returning them to the custody or residence of any person(s) who engaged in, or knowingly failed to protect the victim from brutality or severe abuse.

### Purpose:

Juvenile law (TCA 37-1-130) mandates special review procedures for returning severely abused children to the custody or home of a person who engages in, or knowingly fails to protect children from brutality or abuse. Before the court allows these children to have unsupervised contact with the perpetrator, the juvenile court judge must receive and consider reports and recommendations prepared by the Commissioner's designee of the Department of Children's Services.

### Procedures:

<b>A. Cases required to be reviewed by DCS (Commissioner's Designee)</b>	<ol style="list-style-type: none"><li>1. <b><u>Adjudicated severe child abuse.</u></b> In these cases the Juvenile Court Judge has made a specific finding of severe abuse, and the Court order includes wording to that effect.</li><li>2. <b><u>Non-adjudicated, but indicated severe abuse cases involving children age 5 and under.</u></b> These cases have been classified as "<i>incident indicated</i>." Severe child abuse did occur but the Judge did not state that finding in the court order.</li></ol>
<b>B. Cases required to be reviewed by the Regional Designee</b>	<ol style="list-style-type: none"><li>1. <b><u>Non-adjudicated severe abuse cases involving children age 6 and over.</u></b> These cases have been classified as "<i>incident indicated</i>." (Refer to CPS Policy <a href="#"><u>14.7, Classification of a Child Protective Services Investigation Case</u></a>) severe child abuse did occur, but the Judge did not state that finding in the court order.</li></ol>

	<p>2. <b><u>Adjudicated non-severe abuse cases</u></b> of children of any age. Review by the Child Abuse Review Team (CART) is required (see DCS policy <a href="#">14.17, Child Abuse Review Team (CART)</a>).</p> <p>3. Non-severe abuse cases involving children under age five (5) that meet one of following criteria:</p> <ul style="list-style-type: none"> <li>a) Children with a severe physical or mental handicap;</li> <li>b) Caretakers with a severe physical and/or mental handicap, such as mental illness;</li> <li>c) Child victims who have been abused multiple times;</li> <li>d) Caretakers whose parental rights to another child have been terminated involuntarily.</li> </ul>
<p><b>C. Preparing for Commissioner/ Designee's review or Regional Designee review</b></p>	<p>1. <b>What:</b></p> <p>Prepare for the DCS Commissioner/designee's review, or Commissioner's regional designee's review, of appropriate cases before returning the child to the unsupervised custody of a perpetrator or person who engaged in or knowingly failed to protect.</p> <p>2. <b>When:</b></p> <ul style="list-style-type: none"> <li>a) Before any unsupervised visits, extended visits or return of custody in any adjudicated severe child abuse case; or in any indicated, non-adjudicated case of severe child abuse of a child age five (5) or under as described above needing a Commissioner's Designee review.</li> <li>b) Before any unsupervised contact, extended visits or return of custody in any non-adjudicated severe abuse cases involving children six (6) and over, adjudicated non-severe abuses cases of any age, and all other non-adjudicated non-severe abuse cases as described above in "D" above which requires a Regional Designee Review.</li> <li>c) In addition, the responsible Team Coordinator may request a Regional Designee Review on other cases prior to unsupervised contact.</li> </ul> <p><b>Note:</b> Cases should be submitted at least sixty (60) days prior to any planned unsupervised visitation or hearing that could lead to such visitation.</p>

**3. Who:**

Family Service Worker

**a) CART review:**

In cases of adjudicated severe child abuse, ensure that the county or district multi-disciplinary Child Abuse Review Team (CART) reviews the case. If a plan develops to return the child to a perpetrator or person who knowingly failed to protect a child from brutality or abuse, the CART review must have occurred within six (6) weeks prior to the request for the Commissioner's/Designee review or Regional Designee Review. Include the CART recommendation, including CART members' signatures, with the request for the Commissioner's or Regional Designee review.

**b) Preparing memo:**

- ◆ Prepare a memo requesting the review and summarizing case information. Include, at the beginning of the memo, the dates of birth of each child and parent.
- ◆ Outline the plan for implementing unsupervised contact.
- ◆ Provide contact information for the Family Service Worker and team leader.
- ◆ The case record must include current dictation.

**c) Additional documentation:**

Obtain and include additional documentation (mental health evaluation, supporting letters, and other professional reports) with the case record. Attach a copy of these to the memo listed above.

**d) Submitting packet:**

Submit the packet to the team leader. The team leader reviews the packet and submits it, the recommendations, and case records to the Director of Child Protective Services in the DCS Central Office for Commissioner's Review or to the local Regional Designee.

**e) Outline for request for review:****◆ Reason for review:**

State briefly the reason for the review (e.g., unsupervised visitation between the perpetrator and child; returning the child to the home of the perpetrator or to the person who knowingly failed to protect the

child from brutality or abuse).

**f) Facts of the case:**

- ◆ Give the date of custody and adjudication.
- ◆ What was the adjudication?
- ◆ Did the judge order specific treatment or services?
- ◆ State what DCS has done to fulfill these requirements.
- ◆ List any subsequent court reviews.
- ◆ Did the parents attend these reviews?
- ◆ List the outcomes of the proceedings.

**g) Risk factors :**

- ◆ Carefully explain the risk factors that resulted in foster care placement.
- ◆ Provide the specific information documented during the investigation.
- ◆ Indicate if there has been a file review at the regional or state level and describe the purpose and results.
- ◆ Focus on the issues that are relevant to the abuse/neglect and outline the progress made in those areas.
- ◆ Evaluate the present level of risk to the child and the reduction of risk factors in the home. This may include risk factors that may not have been present at the time of removing the child but that now present an increased risk of maltreatment.
- ◆ Describe the caregiver's progress in achieving desired outcomes, and measurement tools used.

**h) Child's attitude:**

- ◆ While the child usually does not have the maturity to decide whether or not to return to the home, the child's attitude is an important factor to consider. If the child is resistant to returning to the home, explain how the Case Worker has worked with the child to identify the reasons for the resistance. Outline the amount of time given for the child to adjust to returning home.

- ◆ Provide the child's chronological and developmental age, which was a factor in deciding the appropriateness of the action. Outline whether or not the child has received counseling, self-protection skills, or assertiveness techniques that might negate the parents' lack of progress.

i) **Family support:**

Provide information about any constructive relationships that either or both of the parents have developed that would create a more positive home environment (e.g., a new, successful marriage; a friend or relative, who previously was not present, but who has become a source of support).

j) **Professional reports:**

- ◆ Describe any involvement that the child and/or the perpetrator has with mental health professionals and any mental health assessments/recommendations. If the assessment of the situation differs from the mental health professional's assessment, describe that difference.
- ◆ Gather any other professional reports and summarize them (e.g., parenting class instructors, homemakers, child development staff, public health nurses). Attach a copy of the most pertinent reports to the request for review, especially the recommendations of CART and FCRB.
- ◆ Outline **Child Abuse Review Team (CART) (CS-0729)/Child Protective Investigative Team (CPIT) (CS-0561)** reviews if they have significantly changed after several reviews or if they have affected the recommendations.

k) **Recommendations/summary:**

With the team leader, summarize all of the above sections and explain the recommendation. Include time frames, necessary support systems, and, if possible, progressive steps for reuniting the family (i.e., moving from unsupervised visits and extended visits to return of custody).

**NOTE:** If after sending the recommendations/summary to the Office of Child Safety, the status of the case changes, notify the Office of Child Safety staff immediately.

l) **Scheduling court hearings:**

The Commissioner's/Designee/Regional Designee reviews will be completed as soon as possible and a report will be returned to the Regional Administrator or Designee. Court hearing dates should be

	<p>scheduled upon receipt of the Commissioner's report.</p> <p>4. <b>Adolescent Offenders:</b> A review will be conducted when considering the return of adolescent offenders to the home where their victim or other vulnerable children reside as follows:</p> <ul style="list-style-type: none"><li>a) If any child in the home to which the offender is to return is five (5) years old or younger, the Commissioner's designee will conduct the review.</li><li>b) If there is a victim in the home who has been adjudicated as <u>severely abused</u>, the Commissioner's designee will conduct the review.</li><li>c) If any child in the home to which the offender is to return is older than five (5) years, the Regional designee will conduct the review.</li></ul>
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<b>Forms:</b>	<p><a href="#"><u>CS-0729, Child Abuse Review Team (CART)</u></a></p> <p><a href="#"><u>CS-0561, Child Protective Investigative Team (CPIT)</u></a></p>
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<b>Collateral documents:</b>	<i>None</i>
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